

EDNY

USA
v.
Lucio Celli

Case No.: 19-cr-00127

Dear Judge Engelmayer,

I knew that Your Honor would commit "fraud upon court," which is the reason that I sent Republican Senators audio-recordings of you and documents you ignored. Please accept this as my pre-rule 60 or my rule 60 because Your Honor understands me being pro se.

First Issue: Fraud Upon the Court

Your Honor was not a neutral arbiter as required by the Due Process Clause of the 5th and 14th Amendment. According to the 2d. Cir., "fraud on the court will, most often, be found where the fraudulent scheme defrauds the "judicial machinery" or is perpetrated by an officer of the court such that they cannot perform its function as a neutral arbiter of justice. See *Martina Theatres Corp. v. Schine Chain Theatres, Inc.*, 278 F.2d 789, 801 (2d. Cir. 1980)

1. I sent Sen. Schumer's automated response to congress because Your Honor received emails from me too. I state this under the penalty of perjury pursuant to 28 USC § 1746
2. Your Honor used your knowledge contained in the emails to intimate me, which you did not address prior to sentencing and I sent all document under seal too
3. Your Honor deprived me of my own intent and allowed Mr. Silverman to deprive me of my own intent, which is a crime—according to the 80 DOJ personnel and it was a letter not addressed by Judge Donnelly (I figured Your Honor had received an accurate file) —and I informed Your Honor that it is a structural error, as well
4. I audio-recorded Your Honor's voice, so congress (AUSA Karamigious omitted) could hear how you intimidated me. I state this under the penalty of perjury pursuant to 28 USC § 1746
5. Your Honor allowed AUSA Karamigious to knowingly lie about Federal Rules of Evidence and called me liar without hearing any evidence—I know of cases where AUSA and a

- federal judge both prosecuted, but I do not any DOJ personnel telling me this
6. Your Honor knowingly allowed Mr. Silverman to lie about "third-party witnesses" because you received many of the same emails Sen. Schumer did.
 7. I sent congress certain documents with audio-recordings to show that I have not received a fair trial in the 2d. Cir.
 8. Your Honor knew that Mr. Silverman did not write my intent down and now congress can, if they wanted too, because you received my emails too
 9. Therefore, Your Honor knew that Mr. Silverman labored under a conflict of interest
 10. Your Honor knew Mr. Silverman stole over \$30,000 because you said, "you will not receive just here" because this helps Randi Weingarten and Judge Cogan to retaliate against me—which is something DOJ personnel told me too...the analysis is, "Did Mr. Silverman redo bail hearing with evidence not present prior" because Judge Hurely said the facts, as they are the same to the ones in McCrudden, were enough not to detain McCrudden, which is the reason that I was detained and I did not receive my retro money.
 11. Let's be clear with what the DOJ told me, Chief Judge Livingston, Judge Lanhier, Judge Brodie and the other one could claim lack of knowledge because they could claim that they did not see the 503(b)-tax return or knew the website was funded by the 503(b)
 - a. I provided Your Honor with knowledge of the tax return (well only one)
 - b. I provided Your Honor with knowledge of the fact that 503(b) funds the website
 - c. I informed Your Honor that collection of taxes by a judge is a ministerial duty and provides not decertation
 12. I sent congress that my appeal will focus on structural errors, like choice of lawyer
 - a. The scheme is to place "ineffective assistance of counsel" as the reason because this will be dismissed
 - b. But, structural error for choice of lawyer is an automatic reversal
 13. Please see what is under seal for further allegations and these papers are all under seal to prevent the public from knowing that Your Honor used his office to deprive of a fair trial, to help Randi Weingarten/UFT, and to cover up crimes...facts do not change, only discretion

Second Issue: I believe that either 2d. Cir. Judicial Council¹ decide, or Judicial Conference or another circuit that is not, in anyway, influenced by Sen. Schumer.

Federal appellate courts' ability to assign a case to a different judge and it rests not on the recusal statutes alone, but on the appellate courts' statutory power to "require such further proceedings to be had as may be just under the circumstances," 28 U.S.C. § 2106 . " Liteky v. United States, ___ U.S. ___, ___, 114 S.Ct. 1147, 1156-57 (1994). **Thus we are empowered to "direct the entry of such appropriate . . . order. . . as may be just under the circumstances,"** 28 U.S.C. § 2106 (1994), including reassignment of the case where, in the language of 28 U.S.C. § 455(a) (1994), the district judge's "impartiality might reasonably be questioned." See Dyas v. Lockhart, 705 F.2d 993, 997-98 (8th Cir.) (remanding to another district judge to assure the appearance of impartiality, notwithstanding that appeal was from court's failure to recuse sua sponte and the issue was never raised in the district court), cert. denied, 464 U.S. 982 (1983). See also Ligon v. City of New York, 736 F.3d 118 (2d Cir. 2013)

Your Honor prevented me from ligating all claims because Randi Weingarten paid you and/or were influenced by Sen. Schumer, which is the reason Your Honor hid my intent document from the public.

There is document where I informed Your Honor that you and Mr. Silverman prevented me from fully and fairly presenting my case. See State Street Bank v. Inversiones Errazuriz, 374 F.3d 158 (2d Cir. 2004)

Please Take Notice, Rule 60 looks at the integrity of the process.

¹ Not a good idea as it is filled with Sen. Schumer's people

Please Take Further Notice, the appearance is that Your Honor conspired with Randi Weingarten, Sen. Schumer, Mr. Silverman, and Judge Cogan.

Please Take EVEN Further Notice, my opinion is worthless, BUT those of the DOJ carry weight

The fraud Your Honor committed:

1. Not answering motions is misconduct in all circuits and I have many opinions.
 - a. Many of those motions either helped Randi Weingarten or Sen. Schumer
2. Allowed AUSA Karamigious to lie about US Marshalls' statement under the Federal Rules of Evidence
 - a. DOJ reports²
 - b. Judicial reports, which I cited for Your Honor
3. Allowed AUSA Karamigious to work on a case without a waiver because of the conflict
4. Allowed Mr. Silverman impeded me from filing a cause of action under Administrative Procedure Act because of the conflict
5. Your Honor and Mr. Silverman conspired with Randi Weingarten and Judge Cogan to deprive me of over \$30,000, which means you stole from me. Remember, this is about bail
6. Your Honor entered a judgement after you practice law in, as you know that moment, which is under seal, Your Honor, you lost jurisdiction
7. I sent the Republican senator and a few democratic senators that automatic response, which Your
 - a. Your Honor knew Mr. Silverman lied about "third-party witnesses"

² Not really reports but paragraphs about misconduct either on the Inspector General's website or Professional Responsibility Office. They are mostly without names too

- b. Your Honor did not allow me to explain that Mr. Silverman lied, but it is obvious to everyone that Your Honor did not allow me because you knew he lie, as you received the same email.
- 8. Mr. Silverman blocked me from the 2d. Cir. for mandamus, which is a crime and I cited the case law
 - a. I have the audio-recording to provide
- 9. Again, Your Honor used the knowledge in the emails sent to you to intimidate me into a guilty plea
 - a. Again, I sent automatic response to the senators
 - b. Again, Your Honor did not place on the record the need not to rescue yourself because Randi Weingarten paid you, like Judge Marrero
 - c. Again, I have over 80 DOJ personnel who said that what Judge Donnelly was did to me, by telling what my intent is, is a crime and Your Honor did the same
- 10. Probation Officer Greene is blocking me from the court, as it is duty to inform Chief Livingston of altered transcript by Your Honor and Judge Donnelly.
 - a. I do not appreciate when he lied to me and said that AUSA Karamigious did not lie to you
 - b. AUSA Karamigious said, which is on the transcript and not altered, I did not open the audio-recordings because of "attorney-client privilege."
 - c. Mr. Greene attempted to tell me that she said did not open the audio-recording
 - d. This is crime under 18 USC § 241
 - e. As I told Mr. Barrios and Mr. Moore, it is their duty
 - f. Mr. Greene told me to write a book...no, Your Honor committed a crime and helped Randi/UFT rob me
- 11. Mr. Silverman told me that the case is over and will not inform Your Honor of AUSA Karamigious' misconduct, but

my conviction will be overturned because of the structural error for Your Honor depriving me of my choice of lawyer.

a. This is crime under 18 USC § 241

12. I told Mr. Silverman that there are no safeguards in the plea if either my lawyer or probation impedes me from law enforcement or the court, like everyone I spoke to outside of the 2d. Cir. understood

13. Ignoring the facts or poo, pooing my claims shows that Your Honor is not neutral, and that Randi Weingarten paid you because I have what people said outside of the 2d. Cir., like I have what Your Honor said and is omitted with the fact that Your Honor yelled at me for telling the about you and Sen. Schumer, but you allowed Mr. Silverman to rob me of \$30,000 because Randi Weingarten paid you

a. I sent senators audio-recordings of Your Honor and Judge Donnelly

b. Your Honor can say whatever you want about me lying about the US Marshalls, but the fact remains Your Honor and AUSA Karamigious covered up what the US Marshalls did to me, which was to deny me of a fair trail

c. NOTHING will change what was said to me

d. Remember, what Your Honor did to me is a crime and does not only "appear" because of what I have audio-recorded

14. Your Honor allowed Mr. Silverman to deprive me of my intent, which is a crime under 18 USC § 241 and it appears that Your Honor does not understand that EVERYONE outside of the 2d. Cir. said so...the only difference is Randi Weingarten paid you with the help of Sen. Schumer.

15. Your Honor and Judge Donnelly covered up the fact that I was illegally detained and AGAIN, 80 DOJ said it was a

crime and I even told Your Honor described by denying someone due process is a crime, which led to me being deprived of money.

Remedy:

1. To have a nonbiased judge, who is not paid by Randi Weingarten and/or influenced by Sen. Schumer, to review the record and allow me to fully develop a record of criminal activity of Mr. Silverman with all of my audio-recordings.
2. To modify my terms of probation to contact Judicial Council and 2d. Cir. (or only Chief Judge Livingston) for what happened to me during this sham of a trial.
 - a. And to have my appeal transferred outside of the 2d. Cir.
3. Your Honor used his office for Randi Weingarten and Sen. Schumer
4. Safeguards enacted when my lawyer or probation impedes me from law enforcements or the court
5. Unseal documents so the public knows that Your Honor used his office for Randi Weingarten (who paid you) with the help of Sen. Schumer and I sent the senators the sealed documents
6. I need to contact directly DOJ about DOJ a

Please Take Notice, the 80 DOJ personnel said that Judge Donnelly was covering up the misconduct AUSA and my lawyer

Please inform me if Your Honor requires a proper Rule 60 because

- a) each one can be a separate write up
- b) there are more claims

I know Your Honor is not stupid and if 80 DOJ personnel, who were not paid by Randi Weingarten or influenced by Sen. Schumer, then Your Honor with the AUSAS of the ENDY know too. Facts are facts, but the only thing that has changed is the fact that Randi paid you, rather the "appearance"

You need to be ashamed of yourself to allow Randi to pay you to deprive me of a fair trial...it is my intent and not yours or Mr. Silverman's intent. In *Tumey v. Ohio* [e]very procedure which would offer a possible temptation to the average man as a judge to forget the burden of proof . . . or which might lead him not to hold the balance nice, clear, and true between the state and the accused denies the latter due process of law 273 U.S. 510 (1927). **Please Take Notice**, Your Honor forgot (deliberately because of Randi Weingarten and Sen. Schumer) that my intent, which I describe my right fully under seal and congress has it too, is part of the burden of proof, so this is another reason for rule 60. Then, unlike the common law recusal standard, due process requires that all surrounding circumstances and relationships be considered. In *re Murchison*, 349 U.S. 133, 136 (1955). So, this is another reason to look at what Your Honor said to me about Sen. Schumer and facts related to my intent.

I know what should be done and Your Honor knows what should be done, but I can see other outcomes that further deprive me of my constitutional rights, rather the words should be "I know."

Lucio Celli

September 22, 2021

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COMMITTEE
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Washington, DC 20570



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Bryan Palmer

C. Date of Delivery

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- ☐ Adult Signature
☐ Adult Signature Restricted Delivery
☐ Certified Mail®
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- ☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

☐ Insured Mail Restricted Delivery (over \$500)X *[Signature]*

B. Received by (Printed Name)

Bryan Palmer

C. Date of Delivery

6/25/21

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☒ No

3. Service Type

- ☐ Adult Signature
☐ Adult Signature Restricted Delivery
☐ Certified Mail®
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☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery

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☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

☐ Insured Mail Restricted Delivery (over \$500)

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Return Receipt

- Complete items 1, 2, and 3.
Print your name and address on the reverse so that we can return the card to you.
Attach this card to the back of the mailpiece, or on the front if space permits.

A. Signature

X *[Signature]*☒ Agent☐ Addressee

B. Received by (Printed Name)

K. WILSON

C. Date of Delivery

7/26/21

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☒ No

3. Service Type

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☐ Adult Signature Restricted Delivery
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☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery

- ☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☒ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

☐ Insured Mail Restricted Delivery (over \$500)

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